

MEMORANDUM

Agenda Item No. 7(F)

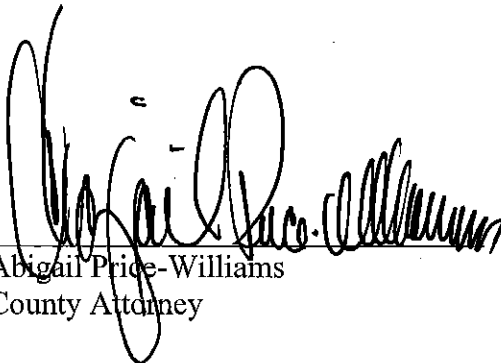
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 6-7-16)
March 8, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending section
15-2 of the Code, adding
subsections; amending section
15-2 of the Code, prohibiting the
placement of mattresses at
curbside for disposal without
encasement of mattresses in
sealed plastic bags; amending
section 8CC-10 of the Code,
providing penalties for failure
to comply with section 15-2 of
the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Abigail Price-Williams
County Attorney

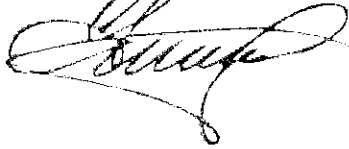
APW/smm

Memorandum



Date: June 7, 2016


To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Fiscal Impact Statement for Ordinance Relating to Solid Waste Collection Service

The proposed ordinance pertaining to solid waste collection services amends Section 15-2 of the Code of Miami-Dade County adding subsections, amending section prohibiting the placement of mattresses at curbside for disposal without encasement of mattresses in sealed bags and amending Section 8CC-10 of the Code, providing penalties for failure to comply with Section 15-2 of the Code.

Adoption of the proposed ordinance will not have an impact on the enforcement activities that will be conducted by the Enforcement Officers as it is a part of their scope of work. Therefore, the implementation of this ordinance will not have a fiscal impact on Miami-Dade County.



Alina T. Hudak
Deputy Mayor

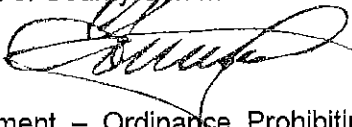
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Memorandum



Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners


From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement – Ordinance Prohibiting the Placement of Mattresses at
Curbside Without Encasement

The Ordinance amending Section 15-2 of the Miami-Dade County Code (Code) will cause placement of mattresses curbside for collection without first fully encasing the mattress in a sealed plastic covering to be a violation of the Code.

In recent years, there has been a resurgence of bed bug infestations throughout the United States. Bed bugs do not transmit disease to humans, however, bed bug bites cause red, raised, itchy reactions on the skin that can lead to secondary skin infections.

This ordinance has the potential to protect the public health and safety of the community, and to provide a means for residents to actively participate in the alleviation of bed bug infestations.



Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
6-7-16

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 15-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ADDING SUBSECTIONS; AMENDING SECTION 15-2 OF THE CODE, PROHIBITING THE PLACEMENT OF MATTRESSES AT CURBSIDE FOR DISPOSAL WITHOUT ENCASEMENT OF MATTRESSES IN SEALED PLASTIC BAGS; AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING PENALTIES FOR FAILURE TO COMPLY WITH SECTION 15-2 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 15-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**Sec. 15-2. - Solid waste collection services, container usage,
condition and location.**

>>(a)<< Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

>>(b)<< Each residential unit, multi-family residential establishment or commercial establishment located in any area where Miami-Dade County solid waste collection and disposal service is provided shall have a sufficient number of garbage cans, plastic garbage bags or portable containers to accommodate all garbage, bundled yard trash or other trash to be removed by Miami-Dade County or other approved contractors.

>>(c)<< All solid waste to be removed by Miami-Dade County shall be placed at curbside in front of property in such a manner as not to obstruct pedestrian passage, except that collections will be made from alleyways where there is clear and safe access for passage of heavy equipment. An exception to this rule is ~~[[a handicapped person]]~~>>an individual with a disability<<, per determination of the Director.

>>(d)<< It shall be unlawful for any person to set out for collection any waste containers which do not conform to the provisions of this chapter or which contain other defects likely to hamper the collection of or injure the person collecting the contents hereof are illegal. Such containers shall be promptly replaced by the owner or user of the container upon the receipt of written notice of said defect. At no time will the Department service any such illegal containers. Portable containers declared a public nuisance or to be unserviceable with no identifying marks visible to enforcement officers shall be removed at the discretion of the Director.

>>(e)<< It shall be unlawful for any person to place or cause, let, allow, permit or suffer the placement of any uncontainerized waste at curbside, right-of-way or street edge at any time except as otherwise provided in this chapter.

>>(f) It shall be unlawful for any person to place or cause, let, allow, permit or suffer the placement of any mattress at curbside without first bagging the mattress in a plastic mattress bag or plastic mattress sleeve capable of fully encasing all sides of the entire mattress. The bag shall

be taped closed with packing, shipping or duct tape, or other similar weather resistant adhesive tape. Each mattress in violation shall be considered a separate violation, punishable as set forth in Chapter 8CC.<<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
* * *		
15-2>>(a)<<	Utilizing the waste collection services of an unauthorized waste collection agency by a commercial establishment	600.00
>>15-2(f)<<	>>Failure to fully encase mattress in sealed bag for curbside pickup<<	>>250.00<<
* * *		

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

David Sherman

Prime Sponsor: Senator Javier D. Souto

ADW
